

U.S. Application No.: 09/987,901
Amendment under 37 C.F.R. §1.116 dated December 20, 2004
Response to the Office Action of September 23, 2004

REMARKS

Reconsideration of this application is respectfully requested. Claims 1 - 7 are pending in the present application. No claim amendments have been made. The rejections set forth in the Office Action are respectfully traversed below.

The Prior Art Rejections

Claims 1 and 3 - 7 remain rejected under 35 U.S.C. §103 over **Muller et al.** (U.S. Patent 4,597,752) in view of **Martin et al.** (U.S. Patent 5,062,597). In response to the arguments submitted August 4, 2004, the Office Action responded at item 3 on page 3 of the Office Action by stating that "arm 102 of **Muller** has at least two different lengths as it extends and retracts during operation." However, this does not at all teach or suggest the features recited in the present claimed invention.

In particular, independent claims 1 and 6 specifically recite "two different lengths" to be "*in a swing* of said swing arm." The statement at item 3 in the Office Action regarding the extension and retraction operation of the arm 102 of **Muller** does not address the specific claimed limitation for the at least two different lengths to be "*in a swing*" of the swing arm, as recited in independent claims 1 and 6. Indeed, there is no swinging whatsoever for the arm 102 of **Muller**.

Moreover, even if **Muller** were to be combined with **Martin**, the present claimed invention would still not be achieved. As explained in previous arguments of record, even if **Muller** and **Martin** were to be combined, for the sake of argument, the extent of the resulting

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teachings is only that there is a telescoping arm that may be adjusted in length at the *vertical position*, to maintain a vertical height/distance from the paper stack – and that such an *already – telescoped* arm may swing. This is no better than the conventional art described in the background of the invention section of the present specification. There would still be an undesirable gap between the tip of the arm and the folding location of the paper when the arm is at either extreme of the swing arc.

Basically, the prior art does not teach or suggest, either alone or in combination, any **variable extension of the arm** (the present claimed “at least two different lengths”) *in the swing* itself. While the teachings of **Muller** indicates the arm may be extended at the *vertical position* to maintain the predetermined distance above paper stack, there is nothing in **Muller**, nor in the further combination with **Martin**, that would teach or suggest the present claimed **at least two different lengths in a swing of said swing arm**.

Furthermore, it is submitted that the second paragraph at item 3 on page 3 of the Office Action is incorrect. The allegation in the Office Action was that the applicant argued that there was “no suggestion to combine the references.” This is a mischaracterization of the arguments submitted on August 4, 2004. As explained above, nothing in the cited prior art, either along on in combination, teaches or suggest all the features cited in the present claimed invention.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully Submitted,

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